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09/444,889	11/22/1999	MICHAEL G. MIKURAK	AND1P367	9216

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OPPENHEIMER WOLFF & DONNELLY, LLP (ACCENTURE)
PLAZA VII, SUITE 3300
45 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402-1609

EXAMINER
VAN DOREN, BETH

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>08 August 2006</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>18,22,28 and 32-55</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>18,22,28 and 32-55</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   The following is a final office action in response to communications received

08/08/2006. Claims 22, 34-35, 38, and 44-50 have been amended. Claims 18, 22, 28, and 32-55

are now pending.

Response to Amendment

2.   Applicant's amendments to claims 22, 34-35, and 44-49 are sufficient to overcome the 35

USC § 112, second paragraph, rejections set forth in the previous office action. However, new

35 USC § 112, second paragraph, rejections have been asserted below, as necessitated by

amendment.

3.   Applicant's amendments to claims 22, 28, 34-37, and 44-55 are sufficient to overcome

the 35 USC § 101 rejections set forth in the previous office action.

Response to Arguments

4.   Applicant's arguments with regards to Sekizawa (U.S. 6,430,711) have been fully

considered, but they are not persuasive. In the remarks, Applicant argues that Sekizawa does not

teach or suggest an e-commerce environment manager providing maintenance and service in an

e-commerce environment.

        In response to this argument, Examiner respectfully disagrees. While applicant's argue

that the manager provides maintenance and service, Examiner points out that from the language

of the claims, it appears that the manager is computer implemented (i.e. not human). Therefore,

the manager collects and manages data, but the actual maintenance and service is performed by

dispatched personnel. Sekizawa discloses a system and method that monitors the state of

machines connected to a network, where status information is transmitted via the network and

where user request maintenance and service, service being scheduled using this status and

request information. The scheduling is made known to the users who recommended the

maintenance via a phone call and personnel are dispatched to service the machine. Sekizawa

discloses that a computer-implemented system has the capability of monitoring and servicing a

plurality of machines, as thus serves as the manager in that the status information and job

information is collected and communicated via the system. Therefore, the system manages the

receipt of requests and the servicing of these requests, and therefore the system serves as a

manager of the environment. Sekizawa teaches the invention, as claimed.

Examiner further points out the alternative language used in element (d) in each of claims

38, 44, and 50. For example, claim 38, states that maintenance and service is scheduled using

the plurality of notices and the plurality of request and that this schedule is transmitted to the

plurality of users who requested or recommended maintenance (i.e. only one of the providers **or**

consumers must be transmitted the schedule to meet this limitation).

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

6.   Claims 18, 22, 28, and 32-55 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claims 38, 44, and 50 all recite scheduling maintenance and service using the plurality of

notices and the plurality of requests <u>from the manger</u>. However, the elements before this

element recite that the notices and requests are received by the manger from a plurality of users.

Therefore, it is unclear as to how the notices and requests are from the user in the scheduling

step. For examination purposes, it has been construed that scheduling maintenance and service

uses the plurality of notices and the plurality of requests at the manger. Clarification is required.

Claims 18, 22, 28, 32-37, 39-43, and 45-49, and 51-55 depend from claims 38, 44, and 50

and therefore contain the same deficiencies.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

35 U.S.C. 102(e)).

8.   Claims 18, 22, 28, 32-38, 40-44, 46-50, and 52-55 are rejected under 35 U.S.C. 102(e) as

being anticipated by Sekizawa (U.S. 6,430,711)

As per claim 38, Sekizawa discloses a method for an e-commerce supply chain

environment manager to provide maintenance and service for a network-based e-commerce

supply-chain environment between a first environment user and a second environment user,

comprising:

(a) receiving at the manager from a plurality of provider environment users a plurality of

notices for recommended maintenance and service (See column 2, line 50-column 3, line 25,

column 4, lines 50-65, column 5, lines 40-50, and column 6, lines 55-65, wherein users

recommend maintenance and service using the network);

(b) receiving at the manager from a plurality of consumer environment users a plurality

of requests for maintenance and service (See figure 28 and column 2, line 50-column 3, line 28,

column 4, line 50-column 5, line 10 and 40-50, and column 6, lines 1-6 and 55-65, column 7,

lines 25-50, and column 8, lines 1-17, wherein the second framework user requests maintenance

and service via the system);

(c) scheduling maintenance and service using the plurality of notices and the plurality of

requests at the manager(See column 2, line 50-column 3, line 25, column 4, lines 50-65, column

5, lines 40-50, column 6, lines 55-65, column 7, line 59-column 8, line 36, wherein maintenance

and service is scheduled using the requests and notices received via the system);

(d) transmitting a schedule to the plurality of users who requested or recommended

maintenance from the manager (See figure 28 and column 4, lines 50-65, column 5, lines 40-60,

and column 6, lines 55-65, column 8, lines 1-36, wherein the scheduling is made known to the

users who recommended the maintenance via a phone call);

(e) performing scheduled maintenance and service of the e-commerce supply chain

environment (See column 4, lines 5-25 and 40-62, column 7, lines 35-50, and column 8, lines 1-

7, wherein maintenance is performed. See also figure 20 and column 2, line 50-column 3, line

25 and 45-55, column 5, lines 40-50, and column 6, lines 55-65, wherein other maintenance is

performed).

As per claim 18, Sekizawa teaches performing load-balancing services that initiate and

stop processes as utilization levels vary in the e-commerce supply chain (See column 6, lines 10-

35, which discloses load balancing).

As per claim 32, Sekizawa teaches wherein the step of performing scheduled

maintenance and service includes indexing received feedback from environment users (See

figures 4, 9-12, and 30, column 7, lines 59-67, column 19, lines 35-45, column 20, line 40-

column 21, line 10, wherein the user is given a change request, the system has a mail box for

receiving change requests, and the system saves this data. See also column 22, lines 25-55,

column 23, lines 1-30, column 33, lines 35-65, column 34, line 55-column 35, line 25).

As per claim 40, Sekizawa teaches wherein the step of performing scheduled

maintenance and service of the e-commerce supply chain environment comprises synchronizing

data stored separately from the e-commerce supply chain environment with data stored in the e-

commerce supply chain environment (See column 4, lines 5-25 and 40-62, column 7, lines 35-

50, and column 8, lines 1-7, wherein the external, global, data and the local data is

synchronized).

As per claim 41, Sekizawa teaches wherein the step of performing scheduled

maintenance and service of the e-commerce supply chain environment comprises optimizing at

least one operation of the environment from the group consisting of server processes, disk space,

memory availability, CPU utilization access time to a server, and a number of connections in a

network-based supply chain for efficient system-operation and problem prevention (See figure

20 and column 2, lines 50-67, column 3, lines 1-25 and 45-55, column 5, lines 40-50, and

column 6, lines 55-65, wherein at least one operation of the environment is monitored for

optimization, including memory availability).

As per claim 42, Sekizawa teaches wherein the step of performing scheduled

maintenance and service of the e-commerce supply chain environment comprises sending

feedback response requests to the plurality of environment users of the e-commerce supply-chain

environment (See figures 4, 9-12, and 30, column 7, lines 59-67, column 19, lines 35-45, column

20, line 40-column 21, line 10, column 22, lines 25-55, column 23, lines 1-30, column 33, lines

35-65, column 34, line 55-column 35, line 25, wherein the user is given a change request and

there is a mail box for receiving change requests. Also, the user can input information requested

by the system, such as error information, status information, customer information, etc.).

As per claim 43, Sekizawa teaches searching the data stored in the e-commerce supply

chain environment prior to synchronization (See column 4, lines 5-25 and 40-62, column 7, lines

35-50, and column 8, lines 1-7, wherein the status data of the local machines are searched prior

to the synchronization).

As per claim 33, Sekizawa teaches wherein the data stored in the e-commerce supply-

chain environment is indexed according to a profile for each environment user's profile (See

figures 4, 9-12, and 30, column 7, lines 59-67, column 19, lines 35-45, column 20, line 40-

column 21, line 10, wherein information is entered in the system and saved based on the user

profile. For example, the user is given a change request, the system receives change requests,

and the system saves this data with the profile of the user. See also column 22, lines 25-55,

column 23, lines 1-30, column 33, lines 35-65, column 34, line 55- column 35, line 25).

Claims 44, 22, 34, 46-49, and 35 recite equivalent limitations to claims 38, 18, 32, 40-43,

and 33, respectively, and are therefore rejected using the same art and rationale as applied above.

Claims 50, 28, 36, 52-55, and 37 recite equivalent limitations to claims 38, 18, 32, 40-43,

and 33, respectively, and are therefore rejected using the same art and rationale as applied above.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

10.   Claims 39, 45, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Sekizawa (U.S. 6,430,711) and Haluska (U.S. 5,638,519).

As per claim 39, Sekizawa teaches wherein the step of performing scheduled

maintenance and service of the e-commerce supply chain environment comprises updating

internal data items stored in the environment (See column 4, lines 5-25 and 40-62, column 7,

lines 35-50, and column 8, lines 1-7, wherein the internal data items of the local framework are

updated). However, Sekizawa does not expressly disclose and Haluska discloses updating

internal data items selected from the group consisting of merchandising content, currency

exchange rates, tax rates, and pricing information (See figures 4-6, column 3, lines 25-40 and 45-

65, column 5, lines 1-25, column 7, lines 35-60, and column 11, lines 35-65, wherein pricing

information is updated);

Both Haluska and Sekizawa disclose manufacturers providing services and supplies to

users of the network. Sekizawa further discloses the ability to update internal information such

as the customer information. It is well known in marketing and sales to customize

merchandising content and/or pricing information to the customer and the customer's

information. Therefore, it would have been obvious to one of ordinary skill in the art at the time

of the invention to update at least the merchandising content and/or the pricing information based

on this change in customer information in order to more efficiently meet the needs of the

customers of the system by maintaining universal and updated information accessible by all

users of the network that correctly matches the needs/information about the customers. See

column 2, lines 50-67, of Haluska and column 2, lines 45-67, of Sekizawa.

Claim 45 recites equivalent limitations to claim 39 and is therefore rejected using the

same art and rationale as applied above.

Claim 51 recites equivalent limitations to claim 39 and is therefore rejected using the

same art and rationale as applied above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Beth Van Doren whose telephone number is (571) 272-6737.

The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

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information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

bvd
October 2, 2006